

IN THE UNITED STATES DISTRICT COURT  
IN THE DISTRICT OF KANSAS

MATTHEW ESCALANTE,  
S.J.E, a minor child &  
S.G.E, a minor child  
Plaintiffs

Case No. 2:23-CV02536

vs.

CHARLES DROEGE  
in his official capacity Chief Judge of Johnson Co.Dt.Ct  
Defendant

AMENDED

**AFFIDAVIT OF FACT PURSUANT  
28 U.S.CODE § 144 - BIAS/PREJUDICE OF A JUDGE  
AFFECTING CIVIL AND HUMAN RIGHTS**

Plaintiff submits by filing, under federal directives, an affidavit showing facts of bias/prejudice of Presiding Judge that any reasonable person standard could determine a prejudice as described foregoing in this Affidavit is most likely to be negatively affecting this case, and causing further constitutional harm in this Venue that is intended to relieve that injury, and this whether the Plaintiff has an attorney or not. This affidavit is pursuant the federal 28 U.S. Code § 144 - Bias or prejudice of judge, the US Code states that *Whenever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding. The affidavit shall state the facts and the reasons for the belief that bias or prejudice exists, and shall be filed not less than ten days before the beginning of the term at which the proceeding is to be heard, or good cause shall be shown for failure to file it within such time. A party may file only one such affidavit in any case. It shall be accompanied by a certificate of counsel of record stating that it is made in good faith. (June 25, 1948, ch. 646, 62 Stat. 898; May 24, 1949, ch. 139, § 65, 63 Stat. 99.)* The Plaintiff provides the statute requirements to this High Court, because he is required to Report the Defendants conduct, as he is Chief Judge of the Johnson County District Court knowingly violating Judicial Rule 2.11 Disqualification in the Parties, matters being improperly and unconstitutionally held captive in dockets deceptions. And the Opposing attorney of Record, Greg Goheen, is seemingly leading the course of misconduct that is causing Chief Judge to violate his rule of 2.11 under Kan R Rel Jud Cond Canon 2. This Court is now fully aware of the below facts, that MUST also be properly reported of the defendant under reporting codes of Kansas and Federal Judicial Canons:

1. The above is a federal law that Plaintiff is required to submit affidavit and Certificate of Good Faith.
2. The defendant is still presiding over matters in the Johnson County District Court.
3. The defendant is under State Requirement to abide by Judicial Canons under Kan R Rel Jud Cond
4. The defendants Counsel of Record in this Federal Proceeding is required to abide by Kansas Professional Rules of Conduct or KPRC's. Notably Rule 8.4(a-g)
5. Both the Defendant and his Counsel Greg Goheen are violating their codes of conduct, and knowingly, in regards to the Plaintiff's Ex Parte Emergency Petition for Writ of Mandamus Case Escalante vs Burmaster and also the Protection from Stalking case that Plaintiff holds over Honorable Paul W Burmaster, as Burmaster is defendant in both of the Johnson District Court case mentioned
6. And the above is Causing without a Doubt, Constitutional, mental, emotional, financial injury onto all 3 plaintiffs. Notable, the Plaintiff has and will again, send today another request to Amend Pleading in this federal proceeding under Rule 15(a)(2) "Other Amendments, In all other cases a party may amend its pleading with the opposing party's written consent or the court's leave. The Court should freely give leave when Justice so requires."
  - a) Justice so requires that Plaintiff, know cognizant that the Minor Children can't be plaintiffs in this case, must be permitted to Leave and remove the minors from the Plaintiff titles of this case, rather than dismiss this case that discloses of Codes of Conduct Breaches that are injuring the 3, dad and his daughter listed above as plaintiffs. Plaintiff request Leave to Amend as Appropriate to remove 2 kids.
7. All parties, Defendant Charles Droege and his Counsel Greg Goheen, are both with Knowledge of the Case Escalante vs Burmaster 23-CV06700. A Exparte Emergency Petition for Writ of Mandamus Case that is being unconstitutionally delayed because Charles Droege is still presiding over the Plaintiff's mandamus that has District Family Court Judge Paul Burmaster as defendant. Defendant Burmaster has Greg Goheen as legal representative in the federal matters and county case of Protection Order 23-CV00369. Charles Droege ALSO has Greg Goheen, as legal representative in the federal court case of 2:23-CV02536. Those are all facts that show Droege, Burmaster and Goheen are knowing participating in a course of misconduct that is causing Droege to violate Rule 2.11 in the Mandamus case of the Plaintiff. The mandamus seeks to terminate a Protection Order that does not have 18 USC 2265 Certification of VAWA nor VAWA text on the Order Doc 26 and Doc 27 22CV03391



9. **RULE 2.11 Disqualification under Kan R Rel Jud Cond 2, Canon 2 states**  
**Disqualification**

- (A) A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to the following circumstances:
  - (2) The judge knows that the judge in the a) a party to the proceeding, or an officer, director, general partner, managing member, or trustee of a party
  - (3) The judge knows that he or she, individually or as a fiduciary, or the judge's spouse, domestic partner, parent, or child, or any other member of the judge's family residing in the judge's household, has an economic interest in the subject matter in controversy or in a party to the proceeding.
  - (5)(c) was a material witness concerning the matter; or
  - (d) previously presided as a judge over the matter in another court
- [1] Under this Rule, a judge is disqualified whenever the judge's impartiality might reasonably be questioned, regardless of whether any of the specific provisions of paragraphs (A)(1) through (5) apply. The term "recusal" is used interchangeably with the term "disqualification."
- [2] A judge's obligation not to hear or decide matters in which disqualification is required applies regardless of whether a motion to disqualify is filed.
- [3] In matters that require immediate action, the judge must disclose on the record the basis for possible disqualification and make reasonable efforts to transfer the matter to another judge as soon as practicable.

10. Attorney Goheen is fully cognizant of the Above Rule 2.11 and KPRC expectations to act appropriately and not continue to lead Droege down a course where he is causing Droege to violate Rule 2.11, by not telling his client that rules are being broken in the following FACTS of Plaintiff and Defendant next to Rule above:

- a) Charles Droege KNOWS Defendant Burmaster, he is a subordinate to Droege. And Burmaster is a defendant under a case of Johnson County 23-CV06700 Mandamus Case, and the Rule 2.11 says Droege can't preside over that case.
  - 1) Both Burmaster and Droege share Greg Goheen as Attorney.
  - 2) Greg Goheen is representing in this Federal Proceeding right now.
- (b) This mandamus action 23-CV06700 in Johnson county seeks to properly terminate a non compliant 18USC221 protection order that was issued over Plaintiff without a VAWA certificate. Even Judge John Broomes knows this and Broomes, respectfully, did nothing about it and offered no counter to the Fact that non-compliance in PFS 22CV03391 is without jurisdiction. What Broomes did is dismiss the Case that discovered it in 2:23-CV024711 Escalante vs Burmaster. And this dismissal, was after Magistrate James rightfully scheduled the case to go towards hearing schedule conference January 16, 2024. Broomes moved to cancel over it, when Magistrate line it up for conference.
- (c) Charles Droege is currently the Presiding Judge over the Johnson County Protective Order case 22CV03391 and because it says Out Of County judge written by Defendant in the bench notes but Clearly that's a lie by a Chief Judge, he's simulating a Court Order in the District Court case that a judge is appointed but clearly there is not, as Doc 28 lies in that docket with Merit and its over 100 days docketed, unheard and unruled. That's a violation of Kansas Supreme Court Rule 166 by Charles Droege because the only with jurisdiction over that case now Since Burmaster had to be Removed. This counter Rule 2.11, Droege must disqualify immediately from all Escalante cases. And ones a Mandamus. This has to go Out of Johnson County.
- (d) The mandamus case has potential to cause a economic stress on the Johnson County court because it shows Burmaster without Jurisdiction, currently and of past prior Aug 10, 2023 without jurisdiction action way outside of all clear present jurisdiction. Burmaster is in clear absence of all jurisdiction on dates of oct 18, 202 and that landed Burmaster behind protection order hearing from the Plaintiff Matthew Escalante. Burmaster has a job capacity and scope, and no where in it can Judge Paul Burmaster use his admin assistant to stalk and spy on Plaintiff online, nor make comments in the bench notes about purported things never discussed in a court hearing, meaning Judge Burmaster is seeking out independently internet details about Plaintiff and that is flagrant violation of judicial codes and way out of any jurisdiction. A hearing is held in 48 hours and Plaintiff has began to motion in the county court for Greg Goheen's disqualification.
- (e) This High Court must report any judicial misconduct that it is aware of that Charles Droege is participating in. This High Court must also report any attorney misconduct that the above shows all Defendants in federal matters of Escalante have knowingly deviated from Ethical Codes of Conduct set forth by the State of Kansas.

11. Goheen must be disqualified from this Federal Case since he is seen participating in the violation of State Codes of attorneys under KPRC 8.4(a-g)

a. Rule 8.4(d), KRPC provides:

'It is professional misconduct for a lawyer [to]: ...

'(d) engage in conduct that is prejudicial to the administration of justice';

b. As noted above, Rule 4.4(a) provides that a lawyer 'shall not use means that have no substantial purpose other than to embarrass, delay, or burden a third person.

Rule 8.4(g), KRPC provides:



12. Any reasonable does not need a Court affirmative to See that the Rules of attorney are being broken by Greg Goheen in the Johnson County cases beforementioned. It has to Be Reported by this Court to Disciplinary Admin:

KRPC 3.4(c) (2023 Kan. S. Ct. R. 394) (knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists), KRPC 4.4(a) (2023 Kan. S. Ct. R. 405) (shall not use means that have no substantial purpose other than to embarrass, delay, or burden a third person), KRPC 8.4(a) (2023 Kan. S. Ct. R. 433) (to violate the rules or knowingly assist another to do so), KRPC 8.4(d) (engage in conduct that is prejudicial to the administration of justice), and KRPC 8.4(g) (engage in any other conduct that adversely reflects on the lawyer's fitness to practice law).

WHEREFORE, the facts are the very cases record of Appearances in those cases of 23-CV06700(Mandamus JoCo dt ct Droege presiding/Burmaster defendant and Goheen attorney), 23-CV00369(Prot Order 24-CV00369Burmaster defendant and goheen attorney) (PFS 22CV03391 Droege Presiding)(18-CV03813 Droege Presiding and Not appointing a District Judge in matters that obviously hold Judicial and Officer misconduct affecting children. Report it, please Hon Broomes, its required under federal judicial canons 1, 2, and 3. And also reporting is required of parties under state mandate of Kan Rule R Rel Jud Canons.

Respectfully sent,

  
Matthew Escalante  
Pro Se litigant  
733 Hemlock St  
Gardner KS 66030  
Phone 913-286-2250  
email eskie678@aol.com  
no fax  
Date 2/5/24

Amendment addition 2/8/24:  
Bullet point #13

Amendment to this pleading now contains case record of 24-CV00369, thats a protection from stalking case of Defendant Family Court Judge Paul Burmaster is seen de-frauding the County and State, either lying and/or deleting transcript with intent to deceive the state of Kansas AND the federal judiciary, as Honorable John Broomes just let Burmaster go from the Cases 2:23-CV02471 and 2:23-CV02559. And Then Broomes Barred the Plaintiff from re-litigating immunity. Hon.Broomes actions are counter to the judicial administration in appearance if its obvious that the moment Burmaster was let go out of this court he dropped right into a civil protective order in the County. Hon. Broomes saw the evidence of Burmaster without immunity, and he saw the evidence related that shows the two children plaintiffs experiencing the side effects of district judicial misconduct from Johnson County judge Burmaster who is reckless and a criminal,

Bring Burmaster back here please into this High Court immediately please, on behalf of the two plaintiff children who are the victims.

Burmaster immunity is obviously gone because the attached new amendment of Motion from Joco 24-CV00369, is a Protection Order from Stalking case in which the family court judge is discovered lying or deleting court transcripts. Charles Droege is aware of the new motion attached and youre going to hold them accountable Hon Broomes, that's why I brought those two men here.

And if youre not going to 28 USC 144 says step down out of the way, and let some preside who will. Don't disrespect the minor children, S.J.E, and S.G.E, please Honorable Broomes because you are trying to protect Burmaster. Stop and hand this case off to someone else please.

Father of the Children  
Matthew Escalante

## CERTIFICATE OF SERVICE

I certify that the beforementioned and forgoing were electronically sent to the listed defendants and their counsels in this proceeding on 2/5/2024, via CM/ECF system on Feb 2/5/2024 amongst thousands upon thousands of others, as the family court of Johnson County cannot continue to be corrupted as the case records of evidence show Johnson County Family Court corruption that is hurting minor children and the Chamber of Honorable John Broomes, is attempting to continue and prolong the JoCo anti-best interest endeavor.

AFFIDAVIT



UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS

MATTHEW ESCALANTE

CASE 2:23-CV02536

Plaintiff

-vs-

Defendant

Charles Droege

*in his official capacity as Chief  
Johnson County District Court*

Defendants

AFFIDAVIT# 2

I, Matthew Escalante, of Gardner, in JOHNSON County, Kansas, MAKE OATH AND SAY THAT:

1. The Documents - AFFIDAVIT OF FACT PURSUANT  
28 U.S.CODE § 144 - BIAS/PREJUDICE OF A JUDGE & AND CERTIFICATE OF  
COUNSEL OF RECORD MADE IN GOOD FAITH are submitted under oath of the federal  
judiciary by Matthew Escalante and are 100% True of Fact that no Party has countered the facts

Page 1 of 2



**Kansas Notarial Certificate** <sup>12</sup>

**(a) For an acknowledgment in an individual capacity:**

State of Kansas)

County of JO)

This instrument,

was acknowledged before me on 2-4-24 (date)

by M. H. H. Escalante (name(s) of person(s)).

Plaintiff also places the statements in affidavit subject to 28 U.S. Code § 1746 - (Un)sworn de under penalty of per-jury in that I, M. H. H. Escalante, certify that the facts presented in the Affidavit of Fact pursuant 28 USC 144 are true and not misleading. foregoing is true and correct. Executed on 2-4-2024

(Seal)

My appointment expires: 1-5-2027

[Signature]  
Title (and Rank)

**Michelle Riffel**





IN THE JOHNSON COUNTY DISTRICT COURT  
CIVIL DIVISION

MATTHEW ESCALANTE  
Petitioner

Case No. 23-CV6700

vs

PAUL WILLIAM BURMASTER  
JANELLE ESCALANTE  
Respondents

PETITIONERS EMERGENCY MOTION TO DISQUALIFY  
THE PRESIDING CHIEF JUDGE UNDER RULE 2.11

Petitioner, MATTHEW ESCALANTE, most respectfully submits this ExParte Emergency Motion to Disqualify the Presiding Judge of this proceeding, Chief Judge CHARLES DROEGE. This request pursuant KAN R.REL JUD COND CANON 2 RULE 2.11 - DISQUALIFICATION. Rule 2.11 of the Kansas Codes surrounding judges next to the current facts of the parties in the district and high court proceedings would cause any reasonable person to see that the Plaintiff is not likely to receive a fair, unbiased and non prejudice proceeding in this Jo Co. Dt Ct Case of Escalante vs Burmaster 23-CV06700, an proceeding seeking a writ of mandamus, which require a Superior Officer to be able to even consider in a writ of such nature. That is only the Chief Judge in this Courthouse, who is superior over the Respondent Paul Will Burmaster. That fact beforementioned next to the following additional numbered points should be fairly re-evaluated and actions considered to be taken of the presiding judge in self-disqualification to ensure the Rights of Constitutional Provisions in the 6th and 14th Amendment are not deprived from the Petitioner. These are Rights in Amendments that Mr. Escalante received being a native born citizen in 1981. The Petitioner shows unto the Court the following facts:

1. Rule 2.11 (A) A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to the following circumstances:
    - (1) The judge has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge of facts that are in dispute in the proceeding.
    - 3) The judge knows that he or she, individually or as a fiduciary, or the judge's spouse, domestic partner, parent, or child, or any other member of the judge's family residing in the judge's household, HAS AN economic interest in the subject matter in controversy or in a party to the proceeding.
    - 4) The judge, while a judge or a judicial candidate, has made a public statement, other than in a court proceeding, judicial decision, or opinion, that commits the judge to reach a particular result or rule in a particular way in the proceeding or controversy
    - 5) The judge:
      - (a) served as a lawyer in the matter in controversy, or was associated with a lawyer who participated substantially as a lawyer in the matter during such association;
  - (B) A judge shall keep informed about the judge's personal and fiduciary economic interests, and make a reasonable effort to keep informed about the personal economic interests of the judge's spouse or domestic partner and minor children residing in the judge's household.
  - (C) A judge subject to disqualification under this Rule, other than for bias or prejudice under paragraph (A)(1), may disclose on the record the basis of the judge's disqualification and may ask the parties and their lawyers to consider, outside the presence of the judge and court personnel, whether to waive disqualification. If, following the disclosure, the parties and lawyers agree, without participation by the judge or court personnel, that the judge should not be disqualified, the judge may participate in the proceeding. The agreement shall be incorporated into the record of the proceeding
2. The Above Rule 2.11, should be viewed next to these below facts Surrounding Chief Judge Charles Droege. Each below lower lettered point has a FACT of Presiding Judge & Petitioner and EACH FACT is also next to a Parenthesis Bold capital lettered point contained in it, that corresponds to the appropriate above Rule 2.11 for scrutinous judicial re-evaluation whether continuing to hold this proceeding is perhaps violating the Kansas Judicial Rule 2.11. This rule set forth by our Kansas Supreme Court to safeguard the Interest of Justice in any proceeding.
- a) The Presiding Judge Charles Droege is a Defendant in the Petitioners Federal Action of Civil Rights Lawsuit under Section 1983, currently litigating in the United States Civil Court in the



knowing that Escalante has a pending high court case under Alleged Civil Rights Infringements.

- b) Presiding Judge Charles Droege has Public Statements in the docket of Petitioners Johnson County civil custody case Escalante vs Escalante, Case No. 18-CV03813, titled Escalante vs. Escalante.

On November 16th, 2023, Droege wrote the following of the Plaintiff

12/12/2023 <\*\*\*\*\* Bench Notes \*\*\*\*\*>

RESPONDENT'S MOTION FAXED TO THE CLERK ON DECEMBER 6, 2023, IS DISALLOWED FOR FILING BASED UPON THE PREVIOUS ORDERS ISSUED IN THIS CASE ON OCTOBER 18, 2023, BY JUDGE BURMASTER. THOSE ORDERS REQUIRE THAT NO FURTHER PLEADINGS MAY BE FILED, OR HEARINGS SCHEDULED IN THIS CASE UNLESS AND UNTIL THE COURT'S PREVIOUS RULING REGARDING CUSTODY AND PARENTING TIME ARE APPEALED, REVERSED OR REMANDED BY THE KANSAS COURT OF APPEALS. NO PLEADINGS WILL BE ALLOWED, OR HEARINGS SCHEDULED REGARDINGS RESPONDENT'S PARENTING TIME UNTIL RESPONDENT FOLLOWS THE COURT'S ORDERS REQUIRING FAMILY COUNSELING AND REINTEGRATION WITH THE MINOR CHILDREN. WHEN A HEARING IS DEEMED APPROPRIATE IN THIS CASE, THE MATTER WILL BE ASSIGNED TO AN OUT-OF-COUNTY JUDGE TO CONDUCT THE HEARING HERE IN THE 10TH JUDICIAL DT. COURT. (DROEGE) This bench note next to Rule 2.11 Section (B(1)(2)(5)

1. The representing Party for the Respondent in this Action is Gregory Goheen with MVP Law Firm.
2. Fact of this Matter and other that has Paul William Burmaster as a Respondent, means Greg Goheen is representative. And Gregory Goheen is the Representing the Respondent, Paul Burmaster, who wrote the deficient Extended Order of Protection in 22CV03391. Paul Burmaster at the same time is also represented by Greg Goheen, at MVP Law.

- (b) This Proceeding of 23-CV06700 is in violation of Kan R.Rel Jud Cond 2 Canon 2, Rule 2.11. Rule 2.11 states: Disqualification (A) A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to the following circumstances: (1) The judge has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge of facts that are in dispute in the proceeding; AND (2) The judge knows that the judge a) a party to the proceeding, or an officer, director, general partner, managing member, or trustee of a part. AND (3) The judge knows that he has an economic interest in the subject matter in controversy or in a party to the proceeding AND (4) The presiding judge, while a chief judge or a judicial candidate, has made a public statement, other than in a court proceeding, judicial decision, or opinion, that commits the judge to reach a particular result or rule in a particular way in the proceeding (BENCH NOTES- NOT ALLOWING 14TH AMENDMENT FILING PRIVILEGES WHILE WITHHOLDING MR. ESCALANTE'S CHILDREN AS A VIEWED RANSOM ESSENTIALLY) AND Rule 2.11 Section The Judge: d) previously presided as a judge over the matter in another court. (The PFS in Mandamus is with presiding judge Droege in JoCo 23-CV06700. And Mandamus contains the Protection Order from JoCo 22CV03391, and Presiding Judge of 22CV03391 as of today 2/4/24, is the Presiding Judge Charles Droege also.

1. Pertaining to the Above, Matthew Escalante is telling Parties and the Judicial Commission and Judicial Administration that those are all Rules of 2.11 being Infringed Knowingly by his Judge/Chief Judge in 23-CV06700.
2. Those are all Rules of Judicial Law, Mr Droege. These Escalante proceedings must leave Johnson Co.

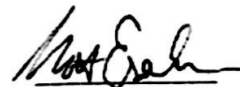


WHEREFORE, the Presiding Judge Charles Droege MUST NOT knowingly violate any judicial rule set forth the Kansas Commission of Judicial Conduct/Kansas Supreme Court. And the Commission MUST enforce Rule 2.11, if Honorable Chief Judge/Presiding Judge Charles Droege does not immediately disqualify himself from this Mandamus Proceeding. And if there is judicial rule being violated pertaining to this matter already in an affirmative case record by Droege, than 23-CV06700 Escalante vs Burmaster has jurisdiction regarding this case. There is a Writ of Mandamus that needs issued here in this case. All case records are attached, and VERIFY and DISPLAY that two 'Serves' of Extended Order Doc 25, a Domestic Violence presumed Order. And Burmaster verifies himself in his own statements on Oct 18-CV03813, that show he knows he Flawed the Extended Original Order of Protection that translates out to an "INSUFFICIENT SERVED COPY OF DOC THAT WAS NOT ATTACHED TO THE 18USC2265 CERTIFICATE OF COMPLIANCE" and no VAWA text anyway was/is found on Doc 26, and that is not compliant with federal laws of VAWA because Doc 26 cannot and does not have ANY FAITH NOR CREDIT THAT CAN BE GRANTED to it in the other 49 states without a VAWA Certificate of Compliance or VAWA text.

There are responsibilities by this Court, and the Kansas Commission/Kansas Supreme Court here upon the Failures of the presiding judge of this case, for allowing it almost non-effectuate. The Petitioner has a CLEAR RIGHT TO DEMAND ANY PROTECTIVE ORDER ISSUED AGAINST HIM BE COMPLIANT WITH FEDERAL LAW and THE JOCO COURT/KANSAS SUPREME COURT HAS A DUTY TO ORDER THE JOHNSON COUNTY COURT TO TAKE IMMEDIATE COURSE OF ACTION THAT MAKES THE DOC 26 EXTENDED ORDER HEREAFTER COMPLY WITH KANSAS LAW, AND/OR ANOTHER COURSE THAT OFFERS THE APPROPRIATE RELIEF BECAUSE ITS TOO LATE TO FIX DOC 26. The Original Order expired on August 19, 2023. Those are facts.

Plaintiff demands Disqualification and Action, as the Judicial Rule 2.11 and Law of Mandamus require it.

The Burden is now on the Court to show that it doesn't have a duty to Disqualify Droege, and issue Mandamus over Doc 26 in 22CV03391.



Matthew Escalante  
733 Hemlock St  
Gardner, KS 66030  
Phone 913-286-2250  
Fax no fax

### CERTIFICATE OF SERVICE

I hereby certify that Ex Parte Emergency Motion to Disqualify the Presiding Judge was sent to all parties in proceeding and that have direct interests in the Matters of 23-CV06700 on February 4th, 2024 via Electronic Mail Service to

ggoheen@mvplaw.com - Attorney Greg Goheen MVP LAW FIRM Representing Attorney for Opposing Party Paul W. Burmaster

ggoheen@mvplaw.com -Also Attorney Greg Goheen MVP LAW FIRM Representing Attorney for Presiding Judge of this proceeding

Rule 2.11/  
Breach ↑

kk@wsabe.com - Karl Kuckelman Representing Party for Janelle Escalante  
sstroman@wallacesaunders.com - Sandra Stroman Representing Party for Janelle Escalante  
cwilson@bkfwlaw.com - Representing Party for Janelle Escalante

attydisc@kscourts.org - Representing party who enforces Kansas Professional Rules of Conduct seen affirmed in the above matter of 23-CV06700

judgeconduct@kscourts.org - Representing Party who enforces Judicial Rule 2.11 Disqualification -Kan R Rel Jud Con Canon 2

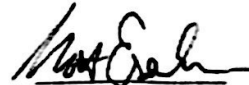
Kris Kobach and Associates at Kansas Attorney General's office who is commissioned by the KBI/State to ensure public safety from from the above Droege and Burmaster actions, if action is not taken by commission of Judicial Conduct,  
Most respectfully sent,  
Matthew Escalante - Father



WHEREFORE, the Presiding Judge Charles Droege MUST NOT knowingly violate any judicial rule set forth the Kansas Commission of Judicial Conduct/Kansas Supreme Court. And the Commission MUST enforce Rule 2.11, if Honorable Chief Judge/Presiding Judge Charles Droege does not immediately disqualify himself from this Mandamus Proceeding. And if there is judicial rule being violated pertaining to this matter already in an affirmative case record by Droege, than 23-CV06700 Escalante vs Burmaster has jurisdiction regarding this case. There is a Writ of Mandamus that needs issued here in this case. All case records are attached, and VERIFY and DISPLAY that two 'Serves' of Extended Order Doc 25, a Domestic Violence presumed Order. And Burmaster verifies himself in his own statements on Oct 18-CV03813, that show he knows he Flawed the Extended Original Order of Protection that translates out to an "INSUFFICIENT SERVED COPY OF DOC THAT WAS NOT ATTACHED TO THE 18USC2265 CERTIFICATE OF COMPLIANCE" and no VAWA text anyway was/is found on Doc 26, and that is not compliant with federal laws of VAWA because Doc 26 cannot and does not have ANY FAITH NOR CREDIT THAT CAN BE GRANTED to it in the other 49 states without a VAWA Certificate of Compliance or VAWA text.

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Matthew Escalante  
733 Hemlock St  
Gardner, KS 66030  
Phone 913-286-2250  
Fax no fax

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ggoheen@mvplaw.com - Attorney Greg Goheen MVP LAW FIRM Representing Attorney for Opposing Party Paul W. Burmaster

ggoheen@mvplaw.com - Also Attorney Greg Goheen MVP LAW FIRM Representing Attorney for Presiding Judge of this proceeding

Rule 2.11/  
Breach ↑

kk@wsabe.com - Karl Kuckelman Representing Party for Janelle Escalante  
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cwilson@bkfwlaw.com - Representing Party for Janelle Escalante

attydisc@kscourts.org - Representing party who enforces Kansas Professional Rules of Conduct seen affirmed in the above matter of 23-CV06700

judgeconduct@kscourts.org - Representing Party who enforces Judicial Rule 2.11 Disqualification -Kan R Rel Jud Con Canon 2

Kris Kobach and Associates at Kansas Attorney General's office who is commissioned by the KBI/State to ensure public safety from from the above Droege and Burmaster actions, if action is not taken by commission of Judicial Conduct.  
Most respectfully sent,  
Matthew Escalante - Father





**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

**MATTHEW ESCALANTE, S.J.E., and  
S.G.E,**

**Plaintiffs,**

**v.**

**CHARLES DROEGE, in his official capacity  
As Chief Judge of the Johnson County  
District Court,**

**Defendant.**

**Case No. 23-2536-TC-TJJ**

**DEFENDANT'S MOTION FOR STAY**

**COMES NOW** Defendant Charles Droege and moves the Court for an Order to stay these proceedings pending the resolution by the Court of Defendant's Motion to Dismiss (ECF No. 11). In support of this Motion, Defendant states as follows:

1. On January 16, 2024, Defendant filed a Motion to Dismiss (ECF No. 11) which raises defenses of absolute, qualified and 11<sup>th</sup> Amendment immunities as well as abstention under the Rooker-Feldman or Younger v. Harris doctrines.

2. The Supreme Court has instructed that trial courts should not allow discovery until the threshold immunity questions are resolved. Harlow v. Fitzgerald, 457 U.S. 800, 818 (1982); Anderson v. Creighton, 483 U.S. 635, 646 n.6 (1986) ("one of the purposes of the Harlow qualified immunity standard is to protect public officials from the broad-ranging discovery that can be particularly disruptive of effective government. [citation omitted] For this reason, we emphasize that qualified immunity questions should be resolved at the earliest possible stage of a litigation."). Each of the immunities raised are a complete defense to suit and Defendant should not be required

to bear the costs associated with litigation until such immunity defenses have been ruled upon by the Court.

3. Pursuant to Federal Rule of Civil Procedure 26(b)(2), this Court has discretion to limit discovery by order. Under the Supreme Court precedents cited above, Defendant is entitled to a stay of discovery until Defendant's Motion to Dismiss (ECF No. 11) is resolved.

4. Additionally, Defendant would request that all other proceedings in this matter be stayed until the resolution of Defendant's Motion to Dismiss (ECF No. 11). Because no discovery shall be conducted, it would be imprudent, if not impracticable, to proceed in this matter with non-discovery related proceedings until such time as the Court has ruled on Defendant's pending Motion to Dismiss (ECF No. 11).

WHEREFORE, Defendant Charles Droege requests that this Court enter an Order staying all proceedings until the Court has ruled on Defendant's Motion to Dismiss.

Respectfully submitted,

McANANY, VAN CLEAVE & PHILLIPS, P.A.  
10 E. Cambridge Circle Drive, Suite 300  
Kansas City, Kansas 66103  
Telephone: (913) 371-3838  
Facsimile: (913) 371-4722  
E-mail: [ggoheen@mvplaw.com](mailto:ggoheen@mvplaw.com)

By: /s/ Gregory P. Goheen  
Gregory P. Goheen #16291

Attorneys for Defendant Charles Droege



**CERTIFICATE OF SERVICE**

I hereby certify that on the 18<sup>th</sup> day of January, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent notification of such filing to the following:

Matthew Escalante  
733 Hemlock Street  
Gardner, KS 66030  
Plaintiff, *Pro Se*

/s/ Gregory P. Goheen

## Entry of appearance in Johnson County District Courts



jococourts@jocogov.org

jococourts@jocogov.org

Show less

To **me**ESKIE678@AOL.COM



GGGOHEEN@MVPLAW.COM



KBROKESH@MVPLAW.COM



DMMASSEY@MVPLAW.COM

Feb 1 at 9:47 AM

**Case# 24CV00369 ESCALANTE vs BURMASTER has been updated with the following action:**

**ELECTRONIC ENTRY OF APPEARANCE BY GREGORY P GOHEEN AS A DEFENSE ATTORNEY FOR PAUL WILLIAM BURMASTER**

**Please do not reply to this e-mail as it has been automatically generated.**



**Kansas Notarial Certificate** <sup>17</sup>


**(a) For an acknowledgment in an individual capacity:**

**State of Kansas)**  
**County of JD)**

**This instrument,**  
**was acknowledged before me on 2-5-24 (date)**  
**by Michelle Riffel (name) of person(s).**

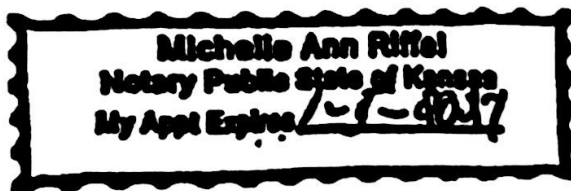
**Plaintiff also places the statements in affidavit subject to 28 U.S. Code § 1746 - (Un)sworn de**  
**under penalty of per-jury in that Michelle Riffel certify that the facts presented in**  
**the Affidavit of Fact pursuant 28 USC 144 are true and not misleading.**  
**foregoing is true and correct. Executed on 2-5-2024**

**(Seal)**

  
**Title (and Rank)**

**My appointment expires: 1-5-2027**

**Michelle Riffel**





**IN THE JOHNSON COUNTY DISTRICT COURT  
CIVIL DIVISION**

MATTHEW ESCALANTE  
Petitioner

Case No. 24-CV00369

vs

PAUL W. BURMASTER  
Defendant

**PLAINTIFF RESPONSE TO COUNSEL GREGORY  
GOHEEN KS BAR LICENSE #16291 & DEFENDANT  
JUDGE PAUL W. BURMASTER'S ANSWER  
TO PROTECTION FROM STALKING**

Petitioner, father Matthew Escalante, hereby submits this Response to Defendant's Answer to the Petition for Protection From Stalking in this case. The Defendant, who is a sitting district court judge of the Division 14 Court owes the Kansas Commission of Judicial Conduct, & Mr Escalante, & the children and families of the Johnson County Judiciary on the following facts:

1. A Court transcript is associated with this Petition for Protection from Stalking that Mr. Escalante entered on Good Faith, to stop a problem of Online Stalking that Judge Paul Burmaster is engaged in.
2. Such Conduct of Online Stalking by a Family Court Judge is not only a violation of Stalking Laws under Chap 60, KSA 60-31a01 through KSA 60-31a07, but its also a violation of Judicial Laws under Rule 601b, Canon 2 under Rule 2.9 Ex Parte Communication. Under that Rule theres a prohibition against Judge Burmaster from seeking independent facts in a case that he presides over. He is barred from going online to investigate anything of Matthew Escalante.
3. But Defendant Burmaster's Conduct goes way beyond the above facts. Judge Burmaster gave oral statements in not one but he gave statements in two hearing of 18CV03813 of admitting that he was using Stacey Pennell, his administrative assistant, to stalk and spy on Matthew Escalante's facebook account. He stated that to parties on April 27, 2023 and on May 18, 2023.
4. Specifically and with Oral Testimony, Attorney Edward Bigus represented Matthew Escalante on May 18, 2023 in the Div 14 courtroom in 18CV03813, as judge Burmaster retaliated on Mr Escalante with meritless Contempts. The end of the hearing on May 18, 2023, Judge, in front SIX people, STACEY PENNELL, CHRISTOPHER T WILSON, JANELLE ESCALANTE, THE COURT BAILIFF, EDWARD BIGUS, AND MATTHEW ESCALANTE, that Judge told parties in specific and absolutely admitted that Stacey Pennell was feeding him purported information from Mr Escalante's facebook account outside of the Courtroom. And that is confimed by 6 peoples witness of the conversation that was had when Judge questioned Edward Bigus of Matthew Escalante's "online activity". A dialogue was had. It's in testimonies of all 6 people who had to hear it.
5. Its also in the Recorded Court Transcript on May 18, 2023. The Docket of 18CV03813 has a notation by Judge Burmaster himself that says, "(RPTR:RECORDING)(JUDGE BURMASTER) So Judge Burmaster tells us in docket notation of the case that he recorded the hearing. Affirmative that a Recording Transcript exists.
6. Petitioner MATTHEW ESCALANTE went to go retrieve it today on February 8, 2024, formally and officially through the proper channels and look at what the Truth is of the above docket notation 18CV03813: The Court Records/Transcripts department reports today this: 9:07AM on 2/8/24 email from the JoCo Clerks, "Mr. Escalante, I have taken Billie Carey out of this email thread as the 05/18/23 hearing does not pertain to hearing I have checked the audio files twice now. I also checked with Stacey, Judge Burmaster's AA, to make sure I was correct. The 05/18/23 hearing did not get recorded. I'm sorry that we cannot do an official transcript for you on that date.
7. Uh-oh.
8. Judge Paul William Burmaster owes the Kansas Commission of Judicial Conduct, Mr Escalante, and the Court an Explanation Immediately. That is very appropriate to ask since on May 18, 2023 in 18CV03813, Burmaster tells the docket which can be seen attached that he recorded it. So Either Defendant Judge Paul W Burmaster Deleted Evidence against him, or he was Lying in the Docket on May 18,2023 when he states he recorded the hearing with (RPTR:RECORDING)
9. Counsel Goheen should immediately explain also, as a Motion sits in this case that shows Attorneys are breaking rules & now we got judges deleting transcripts.In my Daughters Custody matters, at that.

10. Attorney Goheen is speaking of Judicial Immunities in hogwarsh Answer Response that he filed yesterday. I thing Mr Goheen needs to check himself and his ethics because whats described above is a form of judicial fraud with intent to deceive the Court, and parties and the State, but most importantly this fraud all hurts Sophie and Savannah Escalante and Goheen is tripping coming here as he just did lying in his answer. Judicial Immunity doctrines end when Burmaster starts frauding transcripts and going online on Facebooks against judicial codes. Goheens license needs to removed, and so does Burmasters gavel and gown.

WHEREFORE Petitioner submits this FACT FILLED Responsive Motion to the Defendants Answer and I'm also handing it into a Judicial Complaint to the Kansas Commission of Judicial Conduct and also giving copy of it in complain to the Disciplinary Administrator, but also copies to the Local and National Media Agencies as appropriate. No one is going to de-fraud me from my daughters a second further is that understood. Discipline and suspension of Judge Burmaster is mandatory right now, the State is going have a fit and I will have people protesting at the front doors of the courthouse. Please spare us.



Matthew Escalante  
733 Hemlock St  
Gardner KS 66030  
Phone 913-286-2250  
Email eskie678@aol.com

#### CERTIFICATE OF SERVICE

I certify that a copy of the Factual Responsive Motion to Answer was filed with the Clerk on February 8, 2024 and a true copy was sent to parties in proceeding via electronic mail on also February 8, 2024

ggoheen@mvplaw.com

dmassey@mvplaw.com

brokesh@mvplaw.com



attydisc@kscourts.com

judgeconduct@gmail.com

Media Outlets



## EXHIBIT A- (Clerks have done nothing wrong, its Burmaster)



**DCA Catalano Teresa** 9:07 AM  
 To: MATTHEW ESCALA... & 1 more >

Mr. Escalante,

I have taken Billie Carey out of this email thread as the 05/18/23 hearing does not pertain to her.

I have checked the audio files twice now.

I also checked with Stacey, Judge Burmaster's AA, to make sure I was correct.

The 05/18/23 hearing did not get recorded.

I'm sorry that we cannot do an official transcript for you on that date.

Teresa

05/18/2023	<p>&lt;***** Bench Notes *****&gt;</p> <p>PETITIONER APPEARS BY COUNSEL, C. WILSON. RESPONDENT APPEARS WITH APPOINTED COUNSEL, BIGUS. COURT TAKES UP CONTEMPT HEARING. COURT FINDS RESPONDENT IN CIVIL CONTEMPT, FINES HIM \$2000. JE BY THE COURT.(RPTR: RECORDING)(JUDGE: BURMASTER)</p>
05/12/2023	<p>FILE STAMP 05/12/2023, SHERIFF RETURN JO CO KS, ORDER TO APPEAR SERVED MATTHEW A ESCALANTE 05/12/2023 E/S</p>

DOCKET NOTATION OF 18CV03813

go look <https://public.jococourts.org/civroa.aspx?which=18CV03813>